

**MINNESOTA BOARD OF MEDICAL PRACTICE  
BOARD MEETING  
2829 UNIVERSITY AVE. SE  
MINNEAPOLIS, MN 55414-3246**

**JULY 11, 2009**

The Minnesota Board of Medical Practice met on its regularly scheduled meeting date, July 11, 2009, at its offices in Minneapolis, Minnesota.

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Rebecca Hafner-Fogarty, M.D., MBA, President; Allen Rasmussen, Vice President; Keith Berge, M.D.; Robert Brown, Ph.D.; Mark A. Eggen, M.D.; Sarah L. Evenson, J.D., MBA; Jack Geller, Ph.D.; Subbarao Inampudi, M.D., FACR; Bradley Johnson, M.D.; Ernest Lampe, II, M.D.; James Langland, M.D.; Tammy McGee; James Mona, D.O.; and Gregory Snyder, M.D., DABR

**PUBLIC SESSION**

Roll call was recorded by Robert Leach, Executive Director.

The minutes of the May 9, 2009, board meeting were received and approved as circulated.

Fred S. Apple, Ph.D., Medical Director of Clinical Laboratories at Hennepin County Medical Center and Professor of Laboratory Medicine and Pathology at the University of Minnesota School of Medicine, gave a presentation on guidelines for interpreting positive biological screens and confirmation results for urine ethanol, ethyl glucuronide and ethyl sulfate pertaining to exogenous alcohol exposure and endogenous production in the body. A question and answer session followed.

The board took a five minute break.

On recommendation of the Licensure Committee, physician applicants 1 – 307 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Licensure Committee, physician applicant 368 of the agenda was approved to change from Emeritus registration to active status.

On recommendation of the Licensure Committee, physician applicants 308 - 310 of the agenda were approved for Emeritus registration.

On recommendation of the Acupuncture Advisory Council, acupuncturist applicants 311 - 313 of the agenda were approved for licensure subject to the receipt of verification documents.

On recommendation of the Athletic Trainer Advisory Council, athletic trainer applicants 314 - 316 of the agenda were approved for registration subject to the receipt of verification documents.

On recommendation of the Physician Assistant Advisory Council, physician assistant applicants 317 - 349 of the agenda were approved for registration subject to the receipt of verification documents.

On recommendation of the Respiratory Care Practitioner Advisory Council, respiratory care practitioner applicants 350 - 367 were approved for registration subject to the receipt of verification documents.

The minutes of the June 4, 2009, meeting of the Licensure Committee were received and approved as circulated.

Robert Leach, J.D., Executive Director stated that in 2008 the Minnesota Legislature enacted a law which established the registration system for naturopathic doctors to be regulated by the Board of Medical Practice. The law requires the board to appoint the Registered Naturopathic Doctor Advisory Council by August 1, 2009.

A motion was made and passed unanimously to appoint the following member to the Registered Naturopathic Doctor Advisory Council:

Michael Green, M.D., Physician Member

A motion was made and passed unanimously to appoint the following members to the Registered Naturopathic Doctor Advisory Council:

Amy Johnson-Grass, Naturopathic Doctor  
Dionne Reinhart, Naturopathic Doctor  
Helen Soley (Healy), Naturopathic Doctor  
Leslie Vilensky, Naturopathic Doctor  
Eric Wood, Naturopathic Doctor

Dr. Hafner-Fogarty asked if board staff felt that Dr. Helen Soley's history with the board would affect her ability to serve and protect the public. Tammy McGee, Board Member, asked what Ms. Soley's board history was. Mr. Leach explained that in the late 1990's, Dr. Soley was investigated by the Medical Board for engaging in the unlicensed practice of medicine. The Medical Board obtained a court injunction for her to cease certain of her practices, which she willingly did. Dr. Soley then became very active in trying to get the profession regulated under the Board of Medical Practice. Mr. Leach believes that Dr. Helen Soley is an excellent choice as a member of the Registered Naturopathic Doctor Advisory Council.

Dr. Hafner-Fogarty asked if the five Naturopathic Doctor Member terms are staggered. Jeanne Hoffmann, Licensure Supervisor, stated that the statute was unclear regarding this and would have to consult with the board's advising attorney, Steven Gunn. Ms. Hoffmann stated that the Registered Naturopathic Doctor Advisory Council term length is two years.

A motion was made and passed unanimously to appoint the following member to the Registered Naturopathic Doctor Advisory Council:

Karen Thullner, Public Member

Richard Auld, Ph.D., Assistant Executive Director updated board members on legislative action. Dr. Auld stated that the changes to the Physician Assistant Practice Act passed. Dr. Auld stated that the substantive change is a change in the physician assistant credential, from registration to licensure. Also, the number of physician assistants that a physician can supervise at any given time has increased from two to five. The implementation date of the modification is August 1, 2009.

Mr. Leach stated that the Governor's Budget Bill contained a provision that license and renewal fees will be subject to a 10% surcharge to help finance the building of the Governor's e-Licensing System. Mr. Leach stated that the Board of Nursing and Board of Medical Practice have state of the art IT systems for on-line renewals and online services and tried to get exempted out, but attempts at the legislation were unsuccessful. Mr. Leach stated that board staff estimates a cost of five thousand dollars per profession regulated to upgrade the IT system to allow for the collection of the surcharge.

Mr. Leach informed the board that legislators changed the language in the Governor's bill to allow the Health Licensing Boards the option to collect the surcharge or take money out of the Health Licensing Boards' Special Revenue Fund for the first year surcharge payment. The Executive Director's Forum voted to use approximately 1.2 million dollars out of the Special Revenue Fund for the first year's payment of the 10% surcharge. Mr. Leach stated that this will allow time for the modification to the board's computer system to collect and distribute the surcharge. Mr. Leach explained that the Office of Enterprise Technology guaranteed that this is a six year surcharge, "blink on blink off project." Mr. Leach stated that once the board is integrated into the Governor's e-licensing system, the integrity of the board's website may or may not be compromised. A discussion followed regarding the funding for the surcharge.

Mr. Leach presented the Executive Director Report of staff activities since the May 9, 2009, board meeting.

Mr. Leach informed the Board that because of the State's travel restrictions, the September 12, 2009, will not be held out-state. Mr. Leach stated that he and Dr. Hafner-Fogarty have been discussing holding the September 12, 2009, board meeting at the University of Minnesota Medical School. Mr. Leach stated that he has not heard back from the University of Minnesota yet and the meeting has yet to be established. Mr. Leach stated that as part of the educational component, the board could do some presentations that the medical students might find helpful, such as the licensing process and how to stay out of trouble with the medical board.

Ms. McGee asked if the University of Minnesota could do a presentation on distance learning. Dr. Hafner-Fogarty stated that Kathy Brooks, M.D., Dean of the University of Minnesota's Medical School, would be a good person to do the presentation because she has done lot of work with adult learning and how adults learn. Dr. Hafner-Fogarty felt this would be a good educational session for the full board.

Dr. Hafner-Fogarty stated that Alfred Anderson, D.C., M.D., board member, was not able to attend the board meeting, but requested that the board propose a policy statement supporting the statements set forth by the FSMB (Federation of State Medical

Boards) regarding the FDA's proposed REMS (Risk Evaluation and Medical Strategy) and requests the board go on record supporting the FSMB position statement on the REMS issue.

Ruth Martinez, Supervisor of the Complaint Review Committee distributed a letter from Dr. Anderson and a Policy Statement of the FSMB regarding Opioid REMS Development. Dr. Hafner-Fogarty stated that the current regulations being proposed by the FDA have been interpreted by the pain management community as being particularly worrisome and the pain management community has been working with the FSMB on this issue.

Dr. Hafner-Fogarty stated that this issue came up because of a very small number of very widely publicized patient deaths from opioid overdoses and, in most of those cases, the patients got the bulk of the opioids, not from the physician, but from other exogenous sources. Dr. Hafner-Fogarty stated that the DEA has been under a great deal of pressure to put more safe guards in place. Mr. Leach stated that there are some fairly controversial cases of young people stealing their parents or relatives medications and overdosing and, as Dr. Anderson points out, any pain management specialist will advise their patient to keep their medications under lock and key, but not everybody does.

A motion was made and passed unanimously for the board to go on record as supporting the FSMB's position statement on the REMS issue. The board also approved having Dr. Anderson draft a policy statement supporting the FSMB's efforts.

Dr. Hafner-Fogarty informed the board of Corrective Action Agreements that were implemented since the last board meeting.

End of Public Session.

## **EXECUTIVE SESSION**

The following Board members were present for both Public and Executive Sessions, unless otherwise indicated: Rebecca Hafner-Fogarty, M.D., MBA, President; Allen Rasmussen, Vice President; Keith Berge, M.D.; Robert Brown, Ph.D.; Mark A. Eggen, M.D.; Sarah L. Evenson, J.D., MBA; Jack Geller, Ph.D.; Subbarao Inampudi, M.D., FACR; Bradley Johnson, M.D.; Ernest Lampe, II, M.D.; James Langland, M.D.; Tammy McGee; James Mona, D.O.; and Gregory Snyder, M.D., DABR

### **JED JOHN E. DOWNS, M.D.**

On recommendation of the Complaint Review Committee, the license of Dr. Downs was reinstated.

### **KRISTINE S. HENTGES, M.D.**

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted license signed by Dr. Hentges was approved.

### **JULIE A. KRENIK, M.D.**

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted license signed by Dr. Krenik was approved. Dr. Mona recused.

### **THOMAS R. LORENZ, M.D.**

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted license signed by Dr. Lorenz was approved.

### **BELINDA CHARLESTON-GREEN, R.C.P.**

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted registration signed by Ms. Charleston-Green was approved.

### **DENNIS R. JACOBSON, M.D.**

On recommendation of the Complaint Review Committee, the Stipulation and Order for voluntary surrender signed by Dr. Jacobson was approved.

### **MARK A. SHOEMAKER, P.A.**

On recommendation of the Complaint Review Committee, the Stipulation and Order for reprimand and restricted registration signed by Mr. Shoemaker was approved.

There being no further business, the meeting was adjourned.



Alfred Anderson, DC, MD  
Secretary  
MN Board of Medical Practice

August 28, 2009

Date